IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO. 399 OF 2004

1. Siddhesh M. Prabhugaonkar
2. Shradha S. Narvekar
3. Raksha R. Prabhugaonkar
4. Shraddha K. Talkar
5. Rahul Satardekar
   Students,
   V. M. Salgaocar College of Law,
   Miramar, Panaji-Goa. … Petitioners

versus

1. The Chairman,
   Goa Coastal Zone Management
   Authority, Cum Chief Secretary,
   Cum Secretary, Environment,
   Government of Goa,
   Secretariat,
   Panaji-Goa.

2. The Member Secretary,
   Goa Coastal Zone Management
   Authority, C/o Department of
   Science, Technology and
   Environment, Opposite Saligao
   Seminary, Saligao, Bardez-Goa.

3. The Secretary,
   Science and Technology,
   Government of Goa,
   Secretariat,
   Panaji-Goa.

4. The Secretary,
   Ministry of Environment and Forests,
   Government of India,
   I.A.Division, Paryavaran Bhavan,
   C.G.O. Complex, Lodhi Road,
   New Delhi- 110003.

5. The Publisher,
Tarun Bharat Newspaper,
Susheela Building,
18th June Road,
Panaji-Goa. ... Respondents.

Petitioners in person.

Mr. A. N. S. Nadkarni, Advocate General with Mr. D. Lawande, Additional Government Advocate for Respondent Nos.1 to 3.

CORAM : B. H. MARLAPALLE &
N. A. BRITTO, JJ.

DATE : 15TH SEPTEMBER,2004.

ORAL ORDER(PER B.H.MARLAPALLE, J.)

This Writ Petition under Article 226 of the Constitution of India has been filed by five students of V. M. Salgaocar College of Law, Panaji, in public interest. It points out that in some coastal areas, constructions have been undertaken in disregard to the CRZ Regulations. It is further pointed out that within an area of 500 metres from the High Tide Line CRZ-I Zone, no construction activities are allowed.

2. The Petitioners, therefore, pray for directions to demolish and remove these illegal constructions.

3. On notice, Respondent Nos.1 and 2 have filed their response. It has been pointed out that the Chief Secretary, State of

Goa, issued a Circular dated 27th July, 2000, directing the Mamlatdars of the concerned talukas to make weekly visits, the Deputy Collectors to make fortnightly visits and also some Deputy Collectors/Additional Collector to make monthly visits to the Coastal areas and submit report to the State Government. They were also directed to initiate actions against the illegal constructions, if any, noticed during such inspection visits.

4. The Petitioners had sent a notice to the Chief Secretary as well as the Secretary Cum Chairman on or about 28th May, 2004, referring to the news publishd in a Marathi daily “Tarun Bharat” dated 8th January, 2004. It was mentioned in the news that Coast of Pernem Taluka which is touching the sea was brought under CRZ and inspite of the same, one could see constructions being carried out within the Coastal prohibited limits in disregard to the CRZ guidelines.

5. The second instance of CRZ violations as pointed out was under Survey No.65/3 at Lower Badem, at Waddi(on Chapora-Siolim Road, on the Bank of River Chapora). The names of the violators as stated in the said notice are Norman Edward D'Souza, Matilda Souza Nobay and Francis D'Souza, residing near Palloti House, Assagao, Bardez-Goa. After this Petition was moved, the Chief Secretary issued a fresh Order dated 2nd July, 2004, referring to the earlier Circular dated 27th July, 2000. This action of the State Government

goes to show that Officers in the rank of Mamlatdars/Deputy Collectors and Additional Collectors have been made responsible to ensure that the Coastal Regulation Zone Notification is followed strictly and no illegal constructions are allowed in the Coastal areas. It appears that the Officers concerned failed in their duties.

6. Nonetheless, a Show Cause Notice dated 25th August, 2004, has been addressed to Mr. Norman D'Souza, by the Goa Coastal Zone Management Authority. This is a Show Cause Notice under Section 5 of the Environment(Protection) Act, 1986 and we hope and believe that similar action shall be provided against the owners of the other properties who have resorted to the illegal constructions and in addition to the action of demolition, penal action as provided under the Act as well as the Rules framed thereunder shall be initiated by the State Government or the Goa Coastal Zone Management Authority as the case may be.

7. We have been assured that the Show Cause Notices will be taken to their logical conclusions and the entire action will be completed as expeditiously as possible and in any case within three months from today. We also expect Respondent Nos.1 and 2 to proceed against the Officers who are found to be prima facie guilty of dereliction in carrying out their duties as per the Order issued by the Chief Secretary.

8. A Compliance Report in respect of these constructions pointed out in this Petition shall be submitted to the Registry of this Court within three months from today.

9. Petition disposed of.

B. H. MARLAPALLE, J.

N. A. BRITTO, J.

RD.